

Docket No. 00862.021923 Date: October 28, 2004

IN AF/21

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: KATSUTOSHI USHIDA

Application No.: 09/588,683

For: COMMUNICATION APPARATUS, COMMUNICATION METHOD, COMMUNICATION

SYSTEM, AND STORAGE MEDIUM

Filed: June 7, 2000

Group Art Unit: 2143

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated April 28, 2004 of the Primary Examiner finally rejecting claims 1 to 100.

The item(s) checked below are appropriate.

- X A Petition for a two month extension of time to respond to the final rejection, together with the \$420.00 extension fee under 37 C.F.R. §1.17, was filed on September 13, 2004.
- X A Petition for an additional one month extension of time to take further action, together with the \$560.00 extension fee under 37 C.F.R. §1.17, is filed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 28, 2004 (Date of Deposit)

Edward A. Kmett (Reg. No. 42,746)

(Name of Attorney for Applicant)

October 28, 2004 Date of Signature

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3.	X	Fee \$340.00
		Fee \$170.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
		X Enclosed
		Not required (fee paid in prior appeal)
		Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)
4. X Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.		
5. X Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.		
		Respectfully submitted,
		Attorney for Applicant Edward A. Kmett Registration No. 42,746
FITZPATRICK, CELLA, HARPER & SCINTO 30 Rockefeller Plaza		

New York, New York 10112-3800 Facsimile: (212) 218-2200 Form #67

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